

REMARKS/ARGUMENTS

In the specification, new paragraph [0010.1] added after paragraph [0010] concerns the prior art Haig disclosure. The new paragraph [0039.1] added after paragraph [0039] discloses the ramification option of tying the meat roast with butchers twine, or the like, in order to produce a more rounded appearance. The new paragraph [0039.2] added after new paragraph [0039.1] discloses a ramification of the disclosure in which an organ meat may be used as a center meat elongate.

Claims 1 – 21 have been cancelled.

Claims 22 – 31 are new.

Regarding the 112 paragraph 2 rejections:

Applicant believes that Section 112 first paragraph language being improperly interjected into the now cancelled claims were the primary cause of the examiners rejections. Applicant regrets causing this non-statutory detour. Applicant also believes that the current language of the newly asserted claims eliminates this barrier.

102 Rejections

The Lovell patent

The Lovell patent teaches a boned chicken leg stuffed with “viscous material” as shown in column two, line 30 and does not teach nor suggest that a meat elongate be inserted into the cavity of the boneless chicken leg.

For the record applicant would like to state that in the Office Action mailed January 27, 2004 the word “solid” was consistently omitted when quoting from the now cancelled claims.

The Bemis patent

The Bemis patent shows a sandwich-type food item utilizing bread as an outer constituent. Applicant considers this citation to be non-analogous.

The Holbrook patent

The Holbrook patent teaches yet another sandwich type food item. The critical, cited sentence follows:

The term “foodstuff” is used broadly herein to refer to edible substances, including for example, bread, buns, meat, cheese, fruits, vegetables, tomatoes, lettuce, onions, condiments, etc.

It is neither taught nor suggested that each of this list of foodstuff be themselves stuffed along the interior thereof, “lettuce” or “condiments” for instance. In fact under the specific term “shell type foodstuff” includes bread, buns etc., it would not logically follow that a meat elongate be part of this list toward providing a hand held food item. The Holbrook disclosure teaches an edible food requiring no cooking.

And so within the critical sentence, all the constituents of the finished product are listed and are not separated as being either a “filler-type foodstuff” or a “shell-type foodstuff” but are rather simply lumped together. This disclosure does not teach a raw meat nor cooked roast of any variety. Applicant considers this a non-analogous citation that does not teach the asserted claims of the applicant.

Also, at no point along the food product taught by the Holbrook disclosure does one find, nor is there suggested, a solid meat center. Also Figure #14 throughout the Holbrook disclosure is described as being bread. Key to the Holbrook disclosure is the drill press used to create the cavity in the bread or bun. It would be virtually impossible to drill such a cavity throughout raw meat, using the device as shown. In order for such a device to function properly, the meat item would need to be frozen in order not to spin or be ripped to pieces by the bit owing to, amongst other things, the surface tension created by such a procedure involving a straight sided coring type, saw faced, cylindrical bit. Plus the meat item, even if frozen, would certainly thaw in the critical area once this drilling procedure was in process. In order for this drill-out to occur the meat item would also need to be clamped very tightly. Beyond this, a top loin roast's transverse geometry would not allow the receipt of the respective tenderloin, by this method.

Therefore, one way to recreate applicant's most basic embodiment by use of the Holbrook device, used to produce the disclosed sandwich type food item, would require drilling through a tightly clamped frozen length of longissimus dorsi, with a blade capable of doing so, preferably along the more rounded rib-section of longissimus dorsi, removing a frozen central plug, then returning the central plug, or a frozen meat elongate of suitable dimension, into the now tube-like section of longissimus dorsi. None of this is taught by the Holbrook disclosure. The Holbrook disclosure does not teach a method of drilling a hole throughout a quantity of meat. Creating a tubular perform comprised of a meat elongate is required in order to teach applicant's asserted claims. Applicant feels that the Holbrook patent neither enables nor suggests applicants asserted claims.

103 Rejections

Haig in view of Holbrook

Applicant fails to see how these disclosures would prove obvious, to a person having ordinary skill in the art of butchery, sufficient to create a cavity within a meat elongate and then place into the cavity another almost identical elongate. Applicant considers the Holbrook disclosure to be non-analogous to that of the Haig disclosure or applicant's asserted claims.

Haig in view of Holbrook and further in view of Bemis

Again, applicant fails to see how sandwich-like food items could suggest improvements regarding a raw meat item and considers the Holbrook and Bemis disclosures belonging to non-analogous arts toward that of butchery. None of the above disclosures, singularly or in combination, would render inserting a core meat elongate into a tubular meat preform comprised of another meat elongate, obvious.

Haig, in view of Holbrook and Bemis in view of applicant's admitted prior art:

An important consideration regarding applicant's claimed subject matter involving inserting a tenderloin into its respective top loin, concerns the precision required of such an incision. This is not

suggested nor rendered obvious by the teachings of the prior art, including those listed above. In fact the Haig disclosure's meat item shows the proportions and cross section of a pork rib-section's longissimus dorsi and not that of the short loin. The longissimus dorsi taken from the rib section of the carcass is often mistakenly referred to as a boneless pork loin, when in fact it is not. The transverse cross section of the lumbar section of the longissimus dorsi has a shape similar to that of a human palm. Applicant's top loin-based roast becomes round only after the inclusion of the tenderloin.

Haig, Bemis, and Holbrook in view of Bugialli

The Bugialli disclosure does not show the roast sliced into steaks. It shows a cooked roast sliced for service. The Bugialli roast would not adequately provide steaks intended for grilling in that a great deal of the loose filling disposed therewithin would fall between the grill members during the cooking thereupon.

Applicant has read the not relied upon citations and considers them to neither teach nor render obvious the claimed subject matter.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



William Guess

Applicant Pro Se